

REMARKS

This Amendment is filed in response to the Office Action mailed December 28, 2006. All objections and rejections are respectfully traversed.

Claims 1-59 are pending in the case.

No claims have been amended.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant may be reached at 617-951-3074.

Rejections under 35 U.S.C. §102

At page 2 of the Office Action, claims 1-8 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 6,105,057 to Kuftedjian et al. (hereinafter “Kuftedjian”).

The Applicants’ claim 1, representative in part of the other rejected claims, sets forth:

1. A system for synchronizing dependencies upon a set of persistent consistency point images (PCPIs) among a set of computers, the system comprising:
means for identifying a dependency upon the set of PCPIs;
means for creating a set of soft locks, **each soft lock in the set of soft locks associated with each of the PCPIs in the set of PCPIs;** and
means for transmitting the set of soft locks to one or more of the set of computers.

The Examiner erroneously indicated that Kuftedjian discloses: means for identifying a dependency upon the set of PCPIs [Fig. 2, exclusively access network objects and

resources col 5, lines 1-5, the snapshot is equivalent to telephone information which is entered into a plurality of corporate directories, col 4, lines 28-36]...”

The Applicants respectfully reasserts the arguments in Applicant’s paper dated November 17, 2006 and submit that Kuftedjian is silent concerning the Applicants’ claimed **“means for identifying a dependency upon the set of PCPIs.”**

PCPIs are described in the present specification, for example, on page 9 lines 4 – 29, which recites:

A persistent consistency point image (PCPI) is a point-in-time representation of the storage system, and more particularly, of the active file system, stored on a storage device (e.g., on disk) or in other persistent memory and having a name or other unique identifier that distinguishes it from other PCPIs taken at other points in time. A PCPI can also include other information (metadata) about the active file system at the particular point in time for which the image is taken...

A PCPI is a restorable version of a file system created at a predetermined point in time. PCPIs are generally created on some regular schedule...

When the file system generates a PCPI of a given file system, a PCPI inode 205 is generated as shown in Fig. 2. The PCPI inode 205 is, in essence, a duplicate copy of the root inode105 of the data structure (file system) 100...

Kuftedjian discusses network level locks, called network mutexes, on network objects such as databases and ports. *See* Kuftedjian, Abstract, lines 1 – 3. Kuftedjian does not mention or concern dependencies, or PCPIs, much less teach or suggest “identifying a dependency upon the set of PCPIs” as Applicants particularly claim.

Applicants respectfully submit that the Examiner’s assertion that “the snapshot is equivalent to telephone information which is entered into a plurality of corporate directories” is erroneous because a snapshot or PCPI has nothing to do with such telephone information.

In response to Applicant’s arguments in Applicant’s paper dated November 17, 2006, the Examiner erroneously asserted that “The means for identifying a dependency

upon the PCPIs (snapshots) is the means for identifying the existence of a softlock (mutex per Kuftedjian) because it is the mutexes that result in the dependency of the PCPIs.” The Examiner cited col. 6, lines 30-40 of Kuftedjian which recite:

Referring now to FIG. 4, a process of implementing a NM request according to the current invention is illustrated at flowchart 400. The RDS element 210 begins the process at Step 405. The RDS element 210 receives and analyzes the NM (lock) request from the DMG element 250 in Step 410. It is determined at Step 415 whether a network mutex already exists for the requested network resource (the SQL server 155 in this example). If not, the RDS element 210 creates a network mutex object in Step 420 for the DMG element 250 of the first client 220. Subsequently at Step 425, a message announcing the establishment of a network mutex is sent to the requesting DMG element 250 over the relevant general network connection 260. The process concludes at Step 430.

The Examiner asserted that “Kuftedjian per the above, discloses the RDS element 210 receives and analyzes the NM (lock) request from the DMG element 250 in step 410. It is determined at step 415 whether a network mutex already exists for the requested network resource (the SQL server 155 in this example). Kuftedjian’s disclosure clearly reads no the claim limitation “means for identifying a dependency upon a set of PCPIs.”

The portion of Kuftedjian cited in the Office Action as showing this aspect of the claims (Fig 2, col. 5, lines 5-25; col. 6, lines 5-10; col. 6, lines 50-65; and col. 7, lines 1-10) merely discusses means allowing applications and elements on a network to lock/unlock network objects and resources. *See* Kuftedjian, col. 5, lines 6-10. Applicants respectfully submit that Kuftedjian does not refer in any way to any element’s dependency on network object, or more particularly to any means for identifying a dependency upon a set of PCPIs as claimed in claim 1.

Contrary to the Examiner’s characterization, Kuftedjian teaches nothing about PCPIs. Applicants respectfully submit that, even if mutexes or locks could cause or result in dependencies of PCPIs as the Examiner asserts, mutexes are in no way analogous to, taught or suggested dependencies upon PCPIs. Further, no dependencies upon a set of PCPIs are taught or suggested in Kuftedjian. Applicant urges that, contrary to the Examiner’s characterization, means for identifying whether a resource is locked or unlocked

are not equivalent to and do not teach or suggest means for means for identifying dependencies upon a set of PCPIs as particularly claimed.

Since Kuftedjian does not disclose each element of any of the rejected claims, Applicants respectfully submit that the rejections under 35 U.S.C. 102(b) are improper and should be withdrawn.

Rejections under 35 U.S.C. §103

At page 4 of the Office Action, the Examiner rejected claim 9 under 35 U.S.C. §103(a) as being obvious over Kuftedjian in view of applicant admitted prior art. Applicant respectfully submits that the rejection of claim 9 under 35 U.S.C. §103(a) is improper for the reasons set forth above with respect to claim 1.

All independent claims are believed to be in condition for allowance.

All dependent claims are believed to be dependent from allowable independent claims and are therefore also allowable.

Reconsideration is respectfully requested.

In the event that the Examiner deems personal contact desirable in disposition of this case, the Examiner is encouraged to call the undersigned attorney at (617) 951-2500.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

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